



IT IS ORDERED as set forth below:

Date: September 14, 2007

**Paul W. Bonapfel
U.S. Bankruptcy Court Judge**

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN THE MATTER OF:	:	CHAPTER 11 CASES
	:	SUBSTANTIVELY CONSOLIDATED
	:	UNDER CASE NO. 07-61268
	:	
BLUE THUNDER AUTO	:	CASE NO. 07-61268
TRANSPORT, INC.,	:	
	:	
AUTO CARRIER HOLDING	:	CASE NO. 07-61270
INCORPORATED,	:	
	:	
BLUE THUNDER LOGISTICS, INC. and	:	CASE NO. 07-61269
	:	
AUTO CARRIER LEASING, INC.,	:	CASE NO. 07-61272
	:	
Debtors.	:	
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BLUE THUNDER AUTO TRANSPORT,	:	
INC., et al.,	:	
	:	
Plaintiffs	:	
	:	
v.	:	ADVERSARY PROCEEDING
	:	NO. 07-6343
EXXON MOBIL CORPORATION,	:	
	:	
Defendant.	:	

ORDER OF DISMISSAL

The Debtors seek to set aside and recover transfers of three payments totaling \$9,638.57 from Debtors to the Defendant pursuant to 11 U.S.C. §§ 547 and 550. The Defendant seeks dismissal of the complaint based on improper venue pursuant to Rule 12(b)(3) of the Federal Rules of Civil Procedure, made applicable by Rule 7012 of the Federal Rules of Bankruptcy Procedure.

Section 1409(b) of Title 28, as amended in 2005 by the Bankruptcy Abuse Prevention and Consumer Protection Act, provides

Except as provided in subsection (d) of this section, a trustee in a case under title 11 may commence a proceeding arising in or related to such case to recover a money judgment of or property worth less than \$1,000 or a consumer debt of less than \$15,000, or a debt (excluding a consumer debt) against a noninsider of less than \$10,000, only in the district court for the district in which the defendant resides.

The Defendant alleges that because it is a New Jersey corporation with its principal place of business in Texas and as a noninsider with a non-consumer debt of less than \$10,000, venue is improper in the Northern District of Georgia. The Debtors have not filed a response in opposition to dismissal or otherwise sought to transfer this proceeding to a different venue. Accordingly, the motion is deemed unopposed. BLR 7007-1(c). It is

ORDERED that the motion to dismiss is granted.

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